

Remarks/Arguments

As of the Action, Claims 1-6 are pending in the Application. All Claims stand rejected.

Applicant herein amends Claims 1-6 to remove reference numerals. Applicant herein also amends Claims 1 and 5 to address objections stated in the Action.

Applicant also amends by introducing new Claims 14-20. Applicant notes that the Claim set, as amended, now includes three independent claims (i.e., Claims 1, 7 and 13) and has 20 total claims; and, as such, no excess claims fees are due. Applicant submits that the Application as originally filed provides full support for the new Claims.

Applicant further submits that these amendments add no new matter. Applicant also submits that the Application is in condition for allowance.

In view of the Claims as set forth above and the remarks below, Applicant respectfully requests reconsideration and further examination of this Application.

Objections to Abstract. The Action objects to the Abstract.

Applicant responds to the objection by canceling the original Abstract and submitting herewith a new Abstract. In doing so, Applicant has attached as Replacement Sheet containing only the new Abstract.

Applicant requests that this Replacement Sheet be added to the Application as new page 9. Accordingly, Applicant requests that the Action's objection as to the Abstract be withdrawn.

Objections to Claims. The Action objects to Claims 1 and 5 based on cited informalities.

The Action states suggestions for correcting the informalities.

Applicant responds to the objection by amending Claims 1 and 5 as suggested in the Action. Accordingly, Applicant requests that the Action's objection as to the Claims be withdrawn.

Rejections of Claims: The Action rejects Claims 1-6 under 35 U.S.C. §102(b) and §103(a) as being unpatentable over Gaskins U.S. Patent No. 2,946,122 ("Gaskins") and Severson U.S. Patent No. 1,506,139 ("Severson"), including in view of Woodward U.S. Patent No. 2,496,613 ("Woodward"). (Individually and collectively, Gaskins, Severson and Woodward are referred to below as the "Cited References".)

As to independent Claim 1, the Action states that each of Gaskins and Severson teach all elements of the Claim. In particular, the Action states that each of Gaskins and Severson teach a "movable portion ...arranged and positioned to cooperate with the hair to be cut." For support, the Action designates (i) as to Gaskins, all of the detailed description and figures and, (ii) as to Severson, all figures and the detailed description (except for prior art features).

Applicant respectfully traverses the rejections under the Cited References. Applicant submits that the Action omits to make a prima facie case for the Cited References teaching or suggesting all of Applicant's elements, and arrangements thereof, as set out in the Claims.

As a non-exhaustive example under Claim 1, Applicant submits that the Action's statements respecting the Cited References (including the substantial references thereto) fail to indicate disclosure directed to Applicant's "movable portion being arranged and positioned to cooperate with the hair to be cut". In accordance with that limitation's meaning in the Application, Applicant submits that the "cooperation" limitation, being expressly claimed as directed to the movable portion and the hair, provides the movable portion moving "dependent...on the nature and condition of the hair" (see, Application, page 5, lines 18-23). Omitting any designation of such "cooperation", in this example, Applicant submits that the Action omits a prima facie case of non-patentability under the Cited References.

To illustrate further in this example, the Action points to Gaskin's flange 58 of cover 40 as providing Applicant's "cooperation" limitation. Applicant notes, however, that Gaskins proposes an adjustable cover 40 (having a upturned flange 58 on its end) that, once adjusted, has a fixed position, which position is selected "in accordance with the desires of the barber" and "depending on the size of the blades 14 in the clippers 10" (see, Gaskins, column 2, lines 1-11). Because Gaskins' adjustable cover is in the barber's selected position, it cannot "cooperate", i.e., be movable "dependent... on the nature and condition of the hair". As such, neither the flange 58 nor the cover 40 of Gaskins provide Applicant's claimed "cooperation". Accordingly, in this example, the Action omits a prima facie case of non-patentability under Gaskins.

To illustrate even further in this example, the Action points to Severson's hood 37 as providing Applicant's "cooperation" limitation. Applicant notes, however, that Severson proposes a hair-cutting instrument having a hood 37 that responds to an operator's action. Indeed, Severson proposes that the hood 37 is urged to "its full line position" unless the operator pivots the instrument so as to bring the cutting blade close to the head with the hood "following such movement" (see, Severson, pg. 2, lines 68-110). Because Severson proposes only a hood 37 that follows the operator's movement, it does not propose that the hood "cooperate", i.e., be movable "dependent... on the nature and condition of the hair". As such, Severson's hood 37 does not provide Applicant's claimed "cooperation". Accordingly, in this example, the Action omits a prima facie case of non-patentability under Severson.

In sum, as to rejected Claim 1, Applicant respectfully submits that the Action does not make a prima facie case of non-patentability under the Cited References. That is, Applicant respectfully submits that the Action's designations to the Cited References fail to teach or suggest, alone or in combination, all limitations and arrangements of independent Claim 1.

As to dependent Claims 2-6, Applicant respectfully submits that the Action is also absent a proper prima facie case of non-patentability, e.g., for the same reasons as set forth for Claim 1

(in that, each of these dependent Claims depends variously from, and thus includes the limitations and arrangements of independent Claim 1).

In view of the foregoing, Applicant requests that the Action's rejections be reconsidered and withdrawn.

New Claims: Applicant has added new Claims 7-20. Claim 7 is an independent claim, on which depends Claims 8-13. Claim 14 is an independent claim, on which depends Claims 15-20.

Applicant submits that these new Claims are neither taught nor suggested by any of the references cited in the Action, alone or in combination, including, as an example, for the reasons set forth above.

CONCLUSION

Generally, in this Amendment and Response, Applicant has not raised all possible grounds for (a) traversing the rejections of the Action or (b) patentably distinguishing the new Claims (i.e., over the cited references or otherwise). Applicant, however, reserves the right to explicate and expand on any ground already raised and/or to raise other grounds for traversing and/or for distinguishing, including, without limitation, by explaining and/or distinguishing the subject matter of the Application and/or any cited reference at a later time (e.g., in the event that this Application does not proceed to issue with the Claims as herein amended, or in the context of a continuing application). Applicant submits that nothing herein is, or should be deemed to be, a disclaimer of any rights, acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein, or otherwise in the prosecution of this Application, whether as to the original Claims or as to any of the new Claims, or otherwise. Without limiting the generality of the foregoing, Applicant reserves the right to reintroduce one or more of the original Claims in original form or otherwise so as to claim the subject matter of

those Claims, both/either at a later time in prosecuting this Application or in the context of a continuing application.

Applicant submits that, in view of the foregoing remarks and/or amendments, the Application is in condition for allowance, and respectfully requests reconsideration and favorable action.

The Commissioner is hereby authorized to charge any fees (including extension fees), additional fees, or underpayments, or to credit any overpayments, to the undersigned attorney's Deposit Account No. 50-1001; provided, however, that such fees, underpayments or overpayments must arise solely in connection with this Amendment and Response. Otherwise, the Commissioner should review and follow any authorization previously given by Applicant to charge certain such fees and credit certain such overpayments to the Applicant's separate Deposit Account (No. 14-1270).

Respectfully submitted,



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